

**Appendix A: FY 2009 NPM Guidance Measures**  
**ENVIRONMENTAL PROTECTION AGENCY**  
**Office of Prevention, Pesticides and Toxic Substances**

G/O/S	ACS Code	Measure Text	Non-Commitment Indicator	State Grant Template Measure	Nat. Target	REGIONAL OFFICE										HQ
						01	02	03	04	05	06	07	08	09	10	
4/1/1	11A	Number of active individual certifications for lead-based paint abatement activities in the Region	Yes		TBD											
4/1/1	13A	Annual percentage of viable lead-based paint abatement certification applications that require less than 20 days of EPA Regional effort to process.			72%											
4/1/1	13B	Annual percentage of viable lead-based paint abatement certification applications that require less than grantee state established timeframe to process		Yes	75%											
4/1/1	12	Cumulative number of authorized state and tribal certification and training programs for lead-based paint abatement professionals			43											
4/1/1	21	Number of outreach partnerships addressing lead-based paint hazards and exposure reduction.			70											

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						01	02	03	04	05	06	07	08	09	10	
4/1/1	RRP1	Number of active individual certifications for lead based paint renovation, remodeling and painting activities in the Region.	Yes		TBD											
4/1/1	RRP2	Number of active accreditations for lead-based paint renovation, remodeling and painting certification training in the Region.	Yes		TBD											
4/1/1	15	Number of school children attending institutions reached through general toxic fibers education and outreach activities.			3 M											
4/1/3	WP1	Number of Region-specific projects or initiatives contributing to the implementation and enhancement of the worker protection (WPS) field program			N/A											
4/1/3	CT1	Number of Region-specific projects or initiatives contributing to the implementation and enhancement of the C&T field program			N/A											

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						01	02	03	04	05	06	07	08	09	10	
4/1/3	26	Total Number of certified applicators			N/A											
4/1/3	CR2	Number of States that the Region has assessed to determine if they have the capacity to implement the pesticides Container-Containment rules.	Yes Yes		N/A											
4/1/3	CR1	Number of meetings, conferences, presentations, and other outreach activities, where information is provided to States, Tribes, Territories, regulated facilities, and/or general public to increase knowledge of the Container-Containment rule			N/A											

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						01	02	03	04	05	06	07	08	09	10	
4/1/4	3A	Number of meetings, conferences, presentations, and other outreach activities where information is provided to States, Tribes, Territories and/or general public to increase knowledge of the Endangered Species Protection Program.			N/A											
4/1/4	W Q1	Number of evaluated pesticides of concern that have been placed under State or Tribal Program management due to their propensity to approach or exceed national water quality standards or other human health or ecological reference points.	Yes		N/A											
4/1/5	SA1	Average percent change in the utilization of reduced risk pest management practices over time as determined by the SAI Transition Gradient			N/A											

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						01	02	03	04	05	06	07	08	09	10	
4/1/5	SA2	Number of SAI collaborative actions contributing towards partnerships key to U.S. agriculture's transition towards sustainable, reduced-risk pest management technologies			N/A											
5/2/2	296	Metric tons of carbon equivalent reduced, conserved or offset by P2 program participants	Yes		TBD											
5/2/2	261	BTUs of energy reduced, conserved, or offset by P2 program participants. (Billions of BTUs)			1,985 B											
5/2/2	261A	Annual megawatt-hours of energy reduced conserved or offset by P2 program participants.	Yes		TBD											
5/2/2	262	Gallons of water reduced by P2 program participants.			248 M											
5/2/2	263	Business, institutional, and government costs saved through P2 program participants. [PART Measure]			32 M											

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						01	02	03	04	05	06	07	08	09	10	
5/2/2	264A	Pounds of other pollutants reduced by P2 program participants.	Yes		TBD											
5/2/2	264	Pounds of hazardous materials reduced by P2 program participants. [PART Measure]			49 M											
4/2/1	CARE1	Regions use cross-media teams to manage and implement CARE cooperative agreements in order to obtain toxic reductions at the local level.			TBD											

## Appendix B: FY 2009 State Grant Template Measures

### ENVIRONMENTAL PROTECTION AGENCY

#### Office of Prevention, Pesticides and Toxic Substances

G/O/S	ACS Code	Measure Text	Nat. Target	REGIONAL OFFICE										HQ
				01	02	03	04	05	06	07	08	09	10	
4/1/1	13B	Annual percentage of viable lead-based paint abatement certification applications that require less than grantee state established timeframe to process	75%											
4/1/3	26	Total Number of certified applicators*	TBD											

**\* Caveats to Measure:**

- Baseline and targets will be calculated using FY 07 certified applicator numbers reported to EPA Headquarters.
- There are varying state requirements for who has to get certified in each state, especially for commercial applicator certification, so the total number of applicators requiring certification in each state can vary greatly depending on state laws and regulations. The total number of certified applicators per state is not based on or directly related to federal certification requirements or funding.
- The total number of applicators certified by a state is not within their control and is not a function of their efficiency or productivity. States have different populations, levels of agricultural production, pest issues, costs to obtain certification, and regulatory requirements for certification. This may affect the number of people who pursue certification and the total number of applicators certified by a state.

## Appendix C: Explanation of Changes from FY 2008 to FY 2009

### ENVIRONMENTAL PROTECTION AGENCY

#### Office of Prevention, Pesticides and Toxic Substances

Change from FY 2008 Guidance Document		Reason for Change	Effected Pages and Sections
<b>Priorities</b>	Lead Renovation, Repair and Painting (RRP) Rule	In FY09, the RRP Rule will be implemented.	Lead; pages 1-4
	Climate Change – Greenhouse Gas (GHG)	To align the program with other offices in addressing the multi-media issue of climate change.	P2; pages 9-13
	Community Action for Renewed Environment (CARE)	To identify the program as a discrete multi-NPM effort.	CARE; pages 7-8
<b>Strategies</b>	The Lead RRP Rule is expected to be finalized in April 2008. OPPT will establish requirements for renovation work practices, training and certifying renovators and dust sampling technicians, certifying renovation firms, accrediting providers of renovation and dust sampling technician training.	To reflect activities necessary for implementation of RRP Rule.	Lead; pages 1-4
	The P2 program plans to report GHG as a national measure beginning in 2009, to align the program with approaches taken by other EPA offices. OPPTS will measure the GHG in Metric tons of Carbon Equivalent (MTCE) like other NPMs. OAR (Climate Change Program), OPEI (Performance Track), and OSW (WasteWise) all use a GHG measure, rather than BTUs, to calculate energy-related performance results under EPA's Strategic Plan. Measuring GHG broadens the scope of our work; BTUs are a good measure, but they do not capture all the reductions.	To better reflect the energy activities and broaden the scope of the P2 program.	P2; pages 9-13

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Change from FY 2008 Guidance Document		Reason for Change	Effected Pages and Sections
	The CARE program assists communities to assess and reduce environmental risks by providing technical and financial assistance.	To better communicate program activities to CARE grant recipients, EPA management and external parties.	CARE; pages 7-8
<b>Annual Commitment Measures</b>	Addition- Number of active individual certifications for lead based paint renovation, remodeling and painting activities in the Region.	This measure tracks RRP certifications separate from abatement certifications.	Lead; page 2
	Addition -Number of active accreditations for lead-based paint renovation, remodeling and painting certification training in the Region.	This measure tracks qualified accredited training providers, an important first step in RRP implementation.	Lead; page 2
	Modification -11A, 12, 13A, and 13B wording was changed to reflect specific abatement work that will be ongoing.	These measures were modified to include the word “abatement” to make the distinction between RRP work and abatement work.	Lead; page 2
	Deletion – Number of active individual certifications for lead based paint activities in Grantee states. (11B)	This measure was deleted because there was an opportunity to streamline and the information is captured in other measures.	
	Addition -Annual metric tons of carbon equivalent (MTCE) reduced, conserved or offset by P2 program participants.	The measure will better demonstrate program significance relative to critical major environmental issues.	P2; page 11
	Addition - Regions use cross-media teams to manage and implement CARE cooperative agreements in order to obtain toxic reductions at the local level.	This measure captures the universe of projects tracked by EPA Regional staff.	CARE; page 8
	Deletion - Increase the state’s ability to ensure compliance with the residue removal requirements.	The residue removal determinations should be completed by end of FY’08, so this measure can be deleted	

## Appendix C: Explanation of Changes from FY 2008 to FY 2009

### ENVIRONMENTAL PROTECTION AGENCY

#### Office of Prevention, Pesticides and Toxic Substances

Change from FY 2008 Guidance Document		Reason for Change	Effected Pages and Sections
	Modification – Measure text edits WP1 & CT1, CR1, 3A, SAI2	Measures' texts were modified to clarify and improve measures in response to OCFO comments during streamlining review process.	Pesticide Worker Safety, page 16; Container-Containment, page 20; Endangered Species, page 23; and SAI, page 26
	Modification – Measure text edits to 26	A new ACS Pesticide State Grant Template measure was developed for the certification program because it is a better reflection and measure of actual state grant activities funded by EPA's grant dollars than the previous measure, and there are fewer caveats associated with the measure. The new measure also permits more meaningful comparability between states and will enable identification of trends in certification. Additionally, the new measure is subject to less annual variability and has less potential for misinterpretation	Pesticide Worker Safety
	Modification – Measure text edits to CR2	This activity reflects the on-going coordination that Regions will have with states and the Region's assessment (not a formal determination) about whether the states have the capacity to implement the container-containment regulations.	Container-Containment;
<b>Tracking Process</b>			
<b>Contacts</b>	CARE – Deldi Reyes	Contact for new CARE measure.	

<b>Appendix D: Response to Comments Summary on FY 2009 Draft NPM Guidance</b>				
<b>ENVIRONMENTAL PROTECTION AGENCY</b>				
<b>Office of Prevention, Pesticides and Toxic Substances</b>				
<b>Comment</b>	<b>Commenter</b>	<b>Response</b>	<b>Change to Draft (Y/N/NA)</b>	<b>Modification</b>
Appendix A is unnecessarily confusing. In column 4 it would be much simpler to list "Commitment Indicator, (Y/N)" instead of having it listed as a negative "Non-commitment Indicator, (Y/N)" requiring an "N" response to indicate that a commitment is required.	Region 1	In column 4, the "(Y/N)" was deleted to remove the double negative. Accordingly, column 5 has also been edited for consistency. Measures only affirming the non-commitment and SGTM status are marked with a "yes."	Y	Appendix A
<b>Issue Area: Lead</b>				
Suggest the NPM report the tribal-specific component of ACS measures 11A and 12 separately.	Region 4	The Lead Program and the Tribal Program will work to develop tribal measures for FY10. For FY09, the Regions will identify the tribal input in the comment field for ACS measure 12.	Y	The ACS comment field shall be utilized to provide a breakdown of the authorized Tribal programs. Lead; page 3
Sub-Objective 4.1.1, Reduce Chemical Risks, includes a goal/statement that EPA will "eliminate childhood lead poisoning as a public health concern by reducing to 0 the number of cases of children (aged 1-5 years) with elevated blood lead levels greater than 10 micrograms per deciliter." We recognize that this goal has been included in earlier guidance, but believe we should begin a discussion of whether this is a feasible goal. The CDC website states as their goal ""the elimination of childhood lead poisoning as a public health problem." Previously the CDC stated their goal as "virtually eliminating childhood lead poisoning as a public health issue". Eliminating a public health problem is a more modest goal than reducing the incidence to zero.	Region 4	The Program will work with the Agency's strategic plan workgroup to propose making changes to the language of the Strategic Target. We agree that reducing the number of cases of children with elevated blood lead levels to 0 may not be a feasible goal.	N	
A clear discussion on how we will measure our progress/success should also be included in the guidance. Previous emails have indicated that EPA will be using NHANES. However, CDC documents explaining the assumptions and limitations of NHANES state that it is not valid for areas less than the entire U.S. and that the data should not be applied to areas as small as states. Sample sizes can distort projected numbers of lead poisoned children, because the sample sizes are small.	Region 4	The Lead Program will have discussions with the Regions on the direction of the program and how the program will measure progress now that the RRP rule has been published.	N	
Both "Renovation, Repair and Painting rule" and "Renovation, Remodeling and Painting rule" appear in the guidance. Please ensure that only one name is used.	Region 4	Corrections have been made to reflect the correct rule name –Renovation, Repair and Painting Rule.	Y	Program Priorities; page i, Significant Changes; page iv, Appendix C; page 38

The date of FY 2009 [for adoption of the RRP program] may be optimistic for some states due to the time it takes to get enabling legislation passed and regulations in place. The guidance should further address what steps EPA will take if states cannot adopt this program.	Region 4	The published RRP rule notes several stages of implementation with effective dates including the adoption of the program by the states. In addition, the preamble of the published rule discusses this issue.	Y	Lead; page 1
Emphasis for state reporting should include outreach activities. Currently, the focus is exclusively on partnerships. This emphasis overlooks many activities which the states undertake to advance the program. This comment is in reference to reporting program activities in the templates.	Region 4	The Regions are always encouraged to utilize the ACS comment field to report activities that may not qualify as partnerships, but are vital and noteworthy to the advancement of the program. The Lead Program will have discussions with the Regions to develop language to more actively capture the State contribution	N	
In regard to State Grant measures for Lead, compliance assistance and outreach/education activities play important roles particularly in light of Healthy People 2010 goals and the pending RR& P program. We recommend the following additional two measures be considered. Number of compliance assistance activities provided by the state and Number of outreach/education activities performed by the state.	Region 4	The Lead program will discuss the two recommended measures of compliance assistance and outreach activities with the Regions in future NPM guidance discussions. .	N	
This measure depends on HQ providing the official numbers, and that may lead to problems unless HQ provides the numbers timely. When we determined the numbers based on our information, our performance for Q1 FY08 seemed slow because 3 applications were forwarded to us before the HQ contractor (Optimus) had confirmed the receipt of all required fees in the FLPP database (beyond our control). R5 could not finalize or forward these packages for approval until we could verify they were complete with all fees received. If HQ had held the applications until all the fees had been confirmed before sending them out to the Region, we would have met the 20 day target. We still may meet the target depending on what day HQ uses to start the process time.	Region 5	There must have been a glitch in the system. Optimus' only sends complete applications to the Region for their review. This rarely happens now but sometimes the fee(s) is/are received by the Treasury (which informs EPA that a payment was made) and the application is deemed complete; however the payment then could bounce at a later time after Optimus has sent the application for Regional review. In this situation Optimus would have sent the application for Regional review not knowing that the payment was not good. Only the Regional review time should be calculated for complete applications and the time the regions use to process application.	N	
ACS measure 12 had a note: reporting measure in comment field.	Region 6	ACS measure 12 is a commitment measure and is consistent with previous years.	N	
Had a note to include: Pursue opportunities for partnerships to address lead-paint based hazards and exposure reduction. Utilize the Indian Health Service Environmental Health Office to accommodate tribes in this area by performing lead-based testing in sensitive areas where children are prone to 8-hour activity.	Region 6	This comment will be included in the text as an example of a partnership.	Y	Utilize the Indian Health Service Environmental Health Office to accommodate tribes in this area by performing lead-based testing in sensitive areas where children are prone to 8-hour activity. Lead; page 5

Region 10 agrees with the Lead Measures but wants to suggest that Lead Measure, 4.1.1 13A, " <u>Annual percentage of viable lead-based paint abatement certification applications that require less than 20 days of EPA Regional effort to process.</u> " only apply to the lead region for the respective certification OR that Regions are only measured for their portion of the process. Region 10 wants to make sure we are not being measured for something we generally do not have control over, such as other Regions.	Region 10	The spreadsheet developed in FLPP's Oracle Discoverer calculates applications that have completed the review process and were approved or disapproved. Applications that have been returned to applicant or withdrawn by applicant are not used in the count. The Regional effort to process an application (< 20days) includes the sum of two timeframes. Timeframe 1 is the number of days elapsed from "Sent to Regions" to "Date Region Recommendation Finalized." Timeframe 2 is the number of days elapsed from "Approval or Disapproval Letter Generated" to "Final Package Sent or Disapproval Letter Sent." The process time calculated for each Region is based on the individual Region's process time and is not based on the process time of the lead or non lead region.	N	
We would also like to see in the FLLP database the average timeframe for just the lead region process time. When you look at the days to process in FLLP, it does not break down the lead regions days.	Region 10	The average Regional process time appears in the Regional Measures' report which is calculated quarterly and for the entire fiscal year.	N	
Given the views in FLLP, we can't pull the Timeframe 2 (the number of days elapsed from "Approval or Disapproval Letter Generated" to "Final Package Sent." ) and we can't pull just our Regional average. So, if we just use the "average time to process" as shown in FLLP, it will not accurately represent the Regional timeframe.	Region 10	The user would have to use FLPP's Oracle Discoverer to calculate these averages. HQ can assign users an "User id" and password and provide training materials to use Discoverer.	N	
<b>Issue Area: Pollution Prevention</b>				
The target figure for measure 261 is highly unrealistic if the 1,985 billion BTU goal is allocated equally across the regions. If that happens, Region 8's share of the goal would be 198 billion BTUs. Last year we reported approximately 0.04 billion BTUs and we're hoping to achieve around 0.4 billion BTUs this year, largely on the strength of our State programs' pollution prevention efforts promoting the Performance Track program.	Region 8	The Regional share of the Pollution Prevention measure targets will never be equally divided across all Regions. The program takes into account different circumstances such as whether Regions have States with leadership programs in formulating initial bids. That said, climate change is a priority for the program and we hope to see increased commitments for energy, beyond 0.04 billion BTUs, from Region 8 in the future.	N	

<p>The P2 Team has reviewed the draft NPM Guidance and don't have any major changes with the exception of one comment. Because there are other P2 grant reporting tools, i.e. Grantrack, P2Rx etc. we recommend clarifying language below on the tracking, collecting and reporting Project. Is it referring to the STAG utilization tracking mechanism mentioned in Mike Burn's msg today 3/31?</p> <p>"Actively engage in the P2 STAG tracking, collection, and reporting Project to better link grant activities to performance and better articulate the impact of P2 activities and strategies.</p>	Region 9	<p>The tracking, collecting, and reporting of grant information is specific to environmental results and is a review of Gran Track and potential systems/tools to improve the collection, tracking and report of P2 Grant Results-</p> <p>The utilization tracking memo mentioned was specific to tracking different types of grant funds.</p>	Y	<p>This is a review of Gran Track and potential systems/tools to improve the collection, tracking and report of P2 Grant Results. P2, page 14</p>
<p>There was no mention of Environmental Management Systems (EMSs) in this guidance. This is a problem.</p>	Region 9	<p>The P2 program does make mention of implementing environmental management systems in the section: <i>Proposed principal activities of the Regions</i>. The P2 program continues to encourage EMS as an integral part of the overall program by encouraging organizations to develop and implement and demonstrate accountability for performance outcomes through measurable objectives and targets. However, we agree that the guidance should be strengthened with additional references to EMS and submit the following changes.</p>	Y	<p>The purpose of the program <u>is to achieve measurable environmental results through implementing</u> numerous activities provided for in the Act. P2, page 11.</p> <p>P2 practices can include the use of environmental management systems. P2, page 11.</p> <p>As resources allow, encourage federal facilities, <u>manufacturers, small and medium enterprises</u> within the regions to implement P2 projects <u>and encourage the use of environmental management systems (EMS)</u> (through implementing environmentally preferable purchasing, participating in the Federal Electronics Challenge). P2, page 14.</p>

<b>Issue Area: Container/Containment</b>				
Proposed Measures of Success 4.1.3, shows the unit of measure to be the number of outreach activities conducted (meetings, workshops, presentations, etc). Tracking the number of activities will be difficult since multiple presentations and “other” outreach activities occur daily and across divisions and other agencies in some cases. A number could be provided, but an accurate assessment will be a significant undertaking and additional tracking software will need to be developed.	Colorado Dept. of Ag.	This measure is intended to cover EPA regional office outreach activities. For the container-containment rule, the measure for outreach activities is not intended to cover every individual conversation, email exchange or phone call about the container-containment rule. Instead, it is intended to cover "substantial" outreach efforts, like a presentation/discussion of the container-containment rule during a pre-SFIREG meeting or at an industry meeting. Therefore, we do not anticipate the need for additional tracking software because keeping a running list of outreach activities and/or a quick review of the Region 8 staff calendars would provide this information.	N	
Once more we emphasize that the level of funding to implement this rule should be revisited; otherwise, the qualifying term “as funding allows” should be added to the guidance. Moreover, the region will need from OPP and OECA, a compliance monitoring strategy and technical assistance that will help us and the SLAs develop, implement and enforce an adequate program to ensure compliance with the rule.	Region 6	OPP appreciates Region 6's concerns about funding. However, we disagree with the suggestion of adding the phrase "as funding allows." The NPM guidance lists the priorities the NPM has negotiated with the regions. We believe there should be adequate resources to conduct the activities listed as priorities. Further, since the regulated community must comply with the container-containment regulations beginning in August 2009 and the work described in the NPM Guidance must be conducted before the compliance dates arrive. OECA has drafted a compliance monitoring strategy, which is being reviewed internally. Finalizing and publishing the compliance monitoring strategy is one of OECA's priorities for FY2008. In FY2008, HQ plans to draft fact sheets and other outreach material for the Regions, states and tribes to use in their outreach efforts. Both OPP and OECA are available to provide technical assistance as requested.	N	

Are there any tribal entities that need compliance assistance? If so, what is being done currently	Region 6 (tribal)	Yes, there are tribal entities that need compliance assistance. Currently, Regions share all compliance assistance information with all states, tribes and territories, so the tribes are receiving the same information as the states and territories. EPA HQ is finalizing a compliance strategy, which will be sent to all states, tribes and territories. In addition, EPA HQ is drafting guidance for implementing the container-containment rule in Indian country. This guidance has been reviewed by EPA HQ & Regions and will be available soon for review and comment by tribes. Finally, EPA HQ recently gave a detailed presentation about the container-containment rule to the Tribal Pesticide Program Council (TPPC) and will be working with TPPC throughout implementation of this rule.	N	
<b>Issue Area: Worker Safety</b>				
We feel that the new C&T measure of total number of certified applicators is an improvement over the old measure. The formula for the old measure did not take into account the differences between state programs and the rural nature of some states. Even so, we'd like to point out that although the new measure is an improvement, it is still a bean counting exercise, and it does not measure behavioral changes; i.e., are the applicators using pesticides in a safer manner? We encourage OPP to continue improving the C&T measure to reflect the success of the C&T program	Region 10	OPP is aware of the limitations of the measure for the applicator certification program and the national program office has been, and will continue, working with Regions and States on improving the measure for the long term.	N	

<p>CDA supports the strategies outlined, but has the following concerns. Under Strategies it states that “EPA will strive to implement and collect improved data related to pesticide worker safety and occupational safety”...”EPA will also begin to collect additional data from field activities such as inspections”. Both strategies will require states to expand their data collection systems to obtain additional detail. The current PART measures have required states to completely revamp or create data tracking systems to provide data for the current PART measures. Additional data collection and reporting, depending on what the data requested is, would be a significant project to expand the current tracking systems. In addition, training and creation of the documents to collect such will need to be considered. State involvement should be used when developing any additional reporting requirements and work plans and funding must be considered to accommodate.</p>	<p>Colorado Dept. of Ag.</p>	<p>The data EPA is working to gather is not going to be requested of states under the cooperative agreements. That data collection refers to our incident data effort, which is aimed at mining the sources of existing pesticide incident data being collected from various sources - such as through our SENSOR effort with NIOSH, and other potential sources like Poison Control data, etc. The collection of additional data from field activities refers to the OECA effort to get additional more specific info from WPS inspections (types of violations, etc.), and that effort has already been underway for 2 years - it is just that we hope to start being able to analyze the data more thoroughly once we have a few years of data so that we can look at trends, etc. So neither of the strategies will require states to expand their data collection systems to obtain additional detail.</p>	<p>N</p>	
<p>Page 19, “Regions should encourage States and Tribes to adopt the...national core &amp; exam, national aerial, WPS Train the Trainer...”</p> <p>i. CDA supports using each, however it was recently explained at the Spring AAPCO meeting the EPA did not intend to allow states to use the core exam unless they signed an agreement and exclusively used the national core guide and exam. Originally it was discussed that states could incorporate the national exam into their existing exam database to expand the number of verified items. CDA feels this should be allowed with the proper verification of exam protocols and security.</p> <p>ii. CDA supports the implementation of the national aerial exam, however, it will require a change in Rule and the expense of creating a new category (printing, rule development, printing of new rules to reflect changes, data base updates, IT expense, etc.) will come at a significant expense to the state. Dedicated funding would be needed to expand the current program without drawing on existing program resources.</p>	<p>Colorado Dept. of Ag.</p>	<p>At this stage the effort only calls for Regions to encourage States and Tribes to adopt EPA materials and gather information about obstacles. Based on the information we gather (such as the comments from Colorado) we will explore ways to expand adoption of our materials and increase utility.</p>	<p>N</p>	
<p>Question as to whether they need one project or two projects for worker safety</p>	<p>Region 6 (Tribal)</p>	<p>Regions will need one project per worker safety program area of WPS and C&amp;T for a total of two projects</p>	<p>N</p>	

Question as to whether the two projects for worker safety are enough given the priority of the program	Region 6 (Tribal)	The NPM guidance calls for a minimum of two projects (one for WPS and one for C&T), and Regions can certainly commit to more if they want to (the number of projects required under the guidance is a minimum starting point) ). We have not required more projects in recognition of limited regional resources available for this type of work.	N	
Region requests examples of types of projects that might build state or tribal program capacity	Region 6 (Tribal)	On the October 2007 monthly Worker Safety call between Regions and OPP, all Regions discussed their proposed project write-ups for Worker Safety and C&T projects for FY 2008 as was required in the FY 2008 NPM guidance. These write-ups included the objective, summary of project, expected outcomes, and measures of success for each project. Region 6 also submitted project write-ups for both C&T and WPS. Those write-ups and the other Regional write-ups were shared amongst all Regions for discussion and comparison, and are good examples of types of projects that might build state or tribal program capacity. Due to the volume of information in the individual write-ups, the Pesticide Program in Region 6 or the Certification and Worker Protection Branch in OPP can provide such examples upon request in a different forum.	N	
How is the CPARD database supposed to be helpful to Tribes without C&T programs?	Region 6 (Tribal)	The CPARD database is only pertinent to States and Tribes with approved Certification Plans and it is not intended to serve any purpose for those programs without an approved plan.	N	
<b>Issue Area: Endangered Species</b>				
With the increased state input and review of ES label issues this is becoming more and more of burden on daily registration activities. If the number of reviews increases, to ensure that accurate and viable data is provided to EPA, additional personnel may be needed to accommodate this requirement.	Colorado Department of Ag.	OPP appreciates the State's concerns about the need for additional resources. At the State level, under the 2008-2010 Cooperative Agreement Grant Guidance, the activity of "reviewing draft bulletins if any are developed in their areas" is only listed as a "supplemental" rather than a core activity. Therefore, states will only be asked to support this activity as resources allow after the core activities are met.	N	

The finalization of the Endangered Species Protection Program (ESPP) and its programmatic objectives present additional resource commitments to the Regions and the State Lead Agencies (SLAs). The level of funding to implement the final ESPP should be revisited, otherwise, the qualifying term “as funding allows” should be added to the guidance.	Region 6	OPP appreciates Region 6’s concerns about funding. However, we disagree with the suggestion of adding the phrase “as funding allows.” The NPM guidance lists the priorities the NPM has negotiated with the regions. We believe there should be adequate resources to conduct the limited set of ESPP activities listed as priorities in the NPM guidance.	N	
<ul style="list-style-type: none"> <li>The Region and the SLAs will need additional technical and implementation guidance, particularly for inspectors, to assist pesticide users about ESP Bulletins, the use of Bulletins Live! Website and other activities.</li> <li>Once the ESP Bulletins becomes enforceable, the Region and SLAs will need clarification from OECA, on the level of specificity expected for the inspection questions. The SLAs are concerned about conducting pesticide use inspections and gathering enforcement data, since there is no specific information available.</li> <li>It is strongly recommended that the Region and SLAs have an opportunity to review draft Bulletins and additional objectives/activities that pertain to the ESPP.</li> <li>It is recommended that Headquarters continue improving its communication and coordination links with the US Fish &amp; Wildlife Services, including the State Wildlife Agencies, since these offices manage wildlife resources on a daily basis, and are better suited to locating species that may be affected by pesticides. The Region does not have access to pesticide use pattern data, nor data on species locations.</li> <li>Any supplemental activity may be limited due to funding and other resource constraints.</li> <li>The Region will continue facilitating coordination and technical information exchange on endangered species between the SLAs and Headquarters as resources allow.</li> <li>A projected timeline for the generation of the draft ESPP bulletins would be beneficial to both the Regions and the SLAs in order to plan resources accordingly and make pesticide users aware of it.</li> </ul>	Region 6	EPA headquarters will provide outreach materials to facilitate the activities listed in the NPM guidance through continued collaboration on endangered species-related activities. Much of this material has already been developed and made available to the Regions, including tutorials on the use of Bulletins Live. As stated in the Cooperative Agreement Grant Guidance, Regions and States will be given an opportunity to review ESPP bulletins. OPP also agrees that we must continue our efforts to improve communication and coordination links with the US Fish & Wildlife Services, including the State Wildlife Agencies.	N	
We are concerned about availability of support material necessary for program implementation.	Region 1	The guidance for Endangered Species specifically mentions that EPA headquarters will assist the regions and provide outreach materials to facilitate these activities through continued collaboration on endangered species-related activities.	N	

<b>Issue Area: Water Quality</b>				
There are a few pesticides on the list of 57 pesticides of interest generated by EPA HQ that have no EPA-approved benchmarks or water quality standards (WQS). The states need EPA-approved benchmarks or WQS if they are to regulate and manage pesticides to a certain level. It's difficult to manage something when the States have nothing to compare their results to.	Region 10	OPP is aware that not all of the pesticides that States are required to characterize in the POINTS system have EPA-established MCLs or other aquatic-life standards. The EPA Office of Water (OW) is aware of this and is adding some pesticides to its list for development of standards. In the meantime, OPP has published a list of water quality benchmarks used in the OPP risk assessments and Region 5 and MN are collaborating on a project to develop additional benchmarks using the Great Lake Initiative (GLI) Tier II method (a method to develop Water Quality Criteria using less than the 8 taxa required by the Office of Water). These initiatives have been discussed at SFIREG meetings. Additionally, we intentionally provided states with the flexibility to determine which reference point they think is the most appropriate to use for these evaluations.	N	
Regarding the POINTS database, Region 10 would like to have more specific training on how to review the data to assure its accuracy. In addition, it would be great to have a tutorial on how to use POINTS for any new WQ State staff.	Region 10	With respect to reviewing the data in the POINTS system, we expect that the Region will work with its States to determine its accuracy. OPP will also develop an on-line tutorial for new users in the near future. In addition, we will look for other opportunities to train regional staff.	N	
<b>Page iii</b> - "Protecting the nation's water sources from possible pesticide contamination is another component of EPA's environmental protection efforts in FY 2009. Related to this statement; will EPA provide new funding for these new efforts? If pesticides are a concern nationwide, then EPA should consider shifting or allocating funding that is on par to EPA OW SDWA and CWA TMDL and nonpoint source type funding that goes to the state environmental agencies. Receiving \$60,000 base funding and a small discretionary budget annually is not very much to get the base work and the new required work under the 08-10 guidance accomplished.	Idaho State Dept. of Ag.	No new funding is expected at this time. For that reason, the grant guidance allows regions and states to negotiate the timeframe for completing evaluations and managing pesticides of concern, based on each states available resources and expertise	N	

How will EPA produce new national water quality standards or other human health or ecological reference points for use by states and communicate and train this to the states? How does EPA plan to ensure that the national water quality standards or other human health or ecological reference points will be used universally throughout the nation.	Idaho State Dept. of Ag.	Water Quality Standards are developed by the Office of Water under the Clean Water Act (CWA) S.304(a). In the absence of those benchmarks, states may use benchmarks developed by OPP for pesticide regulatory actions. These benchmarks can be found at <a href="http://www.epa.gov/oppefed1/ecorisk_ders/aquatic_life_benchmark.htm">http://www.epa.gov/oppefed1/ecorisk_ders/aquatic_life_benchmark.htm</a> . Region 5 is also working with the State of Minnesota on a pilot project to apply the Great Lakes Initiative methodology to the OPP benchmarks, which may allow the development of Water Quality Criteria in the absence of the full data set required by the Office of Water. Finally, in cases where there is no nationally recognized standard, the grant guidance provides States with the flexibility to choose a reference point that they feel is appropriate	N	
What is the significance of 12-31-09 as a deadline?	Idaho State Dept. of Ag.	This date is listed in the grant guidance for when states must enter annual C&T accomplishments into CPARD. The significance of data entry deadlines is to allow HQ to assess the information in the system so that it can prepare guidance early in the 1st calendar quarter for States that have an early FY start.	N	
What will EPA do to provide EPA registration and reregistration data to States related to EPA conditional registration requirements where monitoring of ground water and/or surface water has been required? This kind of data is also important for states to have to conduct the POINTS evaluations. In the past we have asked for help from EPA and in some cases from registrants to acquire such data sets and we have not received much cooperation or data ever related to specific pesticides. How will this be fixed?	Idaho State Dept. of Ag.	States that need tox data from registration and reregistration data sets for specific pesticides can appeal directly to OPP through GISB. It may not be possible to get the data before registration is complete, but once the pesticide is registered, the data is publicly available. EFED's risk assessments for reregistration are always available upon request	N	
Suggest that the NPM report the tribal-specific component of the water quality measure separately	Region 4 (tribal)	We are not aware of any cooperative agreements with tribes which address a water quality program as outlined in the grant guidance. Therefore, a separate tribal water quality measure will not be practical at this time. The Endangered Species Protection Program will be the only pesticide-related measure for FY'09 that will have the tribal-specific component reported separately by the Regions in the comment field, if any.	N	

<b>Issue Area: Strategic Agricultural Initiative (SAI)</b>				
<p>Page iv - "The Strategic Agricultural initiative develops pest management strategies to identify alternatives to harmful pesticides.</p> <p>In FY 2009, Regions will continue to use assistance agreements to fund projects that promote model agricultural partnership projects that demonstrate and facilitate the adoption of farm management decisions and practices that provide growers with "a reasonable transition" away from the highest risk pesticides – as designated by FQPA.</p> <p>Regions will also conduct outreach with producers, commodity groups, and other stakeholders to create and maintain partnerships with the agricultural community, and will commit to record all outreach and collaborative actions in the SAI Activities Database</p>	Idaho State Dept. of Ag	<p>The Strategic Agriculture Initiative is a non-regulatory program to reduce pesticide risk on food and minor crops. SAI facilitates implementation of Integrated Pest Management and reduced-risk pest management practices, emphasizing minor crops. SAI operates through a Regional SAI Specialist in each EPA Region.</p> <p>The SAI Specialist: (1) maintains a network of contacts with growers, processors, agencies, educational institutions and stakeholders; (2) Articulates agency issues to stakeholders and communicates stakeholders perspective, issues, and concerns to both EPA Regions and OPP staff; (3) Facilitates the accomplishment of EPA Pesticide priorities with agencies, growers and stakeholders that helps leverage resources to reduce pesticide risks; and, (4) administers a small grant program directed towards strategically important outreach, demonstration and education programs.</p>	N	

How will this be blended into the FIFRA program and affect the State SLA?	Idaho State Dept. of Ag	<p>Linking stakeholders, OPP and EPA Regions provides a valuable and important tool to achieve EPA Pesticide goals, complementing regulatory work, facilitating regulatory implementation and providing timely and accurate information to assist the regulatory development process. The SAI grant program (roughly \$1.5 million/year) provides assistance funding to strategically important demonstration, field trials or implementation projects that help growers shift to reduced risk practices, often in anticipation of or in response to regulatory changes or pesticide registration voluntary withdraws or cancellations.</p> <p>The SAI program compliments USDA pest management efforts through coordination at the regional level with the USDA Sustainable Agriculture Research and Education (SARE) program and the four regional IPM Centers, as well as regional and state organized partnership efforts.</p> <p>The SAI program compliments regional enforcement efforts by providing outreach, demonstration, and trials of practices that promote Integrated Pest Management, provide viable alternatives to high-risk pesticides and help maintain a climate of trust and cooperation with growers, grower groups, processors, agencies and regulators.</p> <p>Examples of SAI activities include: (1) Participating on Advisory and/or Steering Committees of the 4 USDA IPM Centers, SARE Regional Councils and Regional Pest Management workgroups, participating on grant review panels. (2) Providing grants to demonstrate successful methodologies for Integrated Pest Management. (3) Organizing and hosting listening sessions, technical field trips and articulating grower concerns to OPP technical staff to provide knowledge, perspective and understanding useful in regulatory development. (4) Representing EPA and the EPA Pesticide Programs in workshops, technical seminars, training sessions and outreach activities within the region.</p>	N	
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The SAI electronic reporting system was off-line for an extended period of time.	Region 1	It is true that the SAI database was off-line for several months as the system was moved from a non-profit organizations web site, to the IPM.gov web site. In addition to transferring the system to a *.gov web site, significant improvements were also made to the system and the guidance documentation. The database was re-launched at IPM.gov in early March. During the period of time when the transfer and improvement of the system was occurring, the SAI database was not available to Agency staff for data entry and data mining.	N	
A comment was made on the different description of collaborations.	Region 1	It is true the description of collaboration has changed. The SAI coordinators have decided to be more inclusive with their definition of what is collaboration. One of the great strengths of SAI is our Regionally-based staff. Allowing a broader definition of what is considered collaboration is a critical step for properly measuring the impact of the SAI coordinators on their stakeholder network.	N	
We are heartened to hear that the National SAI program will implement tech transfer of successful SAI-Funded reduced risk projects from the SAI database, because this is the surest way to demonstrate results from the SAI program on a wide scale. However, in the future we should consider proposing additional or alternate Measures of Success that directly measure the accomplishments derived from tech transfer.	Region 3	In the future OPP will consider proposing additional or alternate Measures of Success that directly measure the accomplishments derived from tech transfer.	N	
The overall regulatory position and philosophy of the entire pesticide program as described in Sub-objectives 4.1.3 on pages 14 and 19; Sub-objective 4.1.4, on pages 21 and 24; is to assure that pesticides “continue to be safe and available when used in accordance with the label”. Potentially contradictory or confusing language may be found in the SAI portion where the phrase “harmful pesticides” (p. iv and p. 26) is used.	Region 1	We have reviewed the sections in the Guidance and did not find the language “potentially contradictory/confusing.”	N	

Issue Area: State Grant Template Measure—Certified Applicators				
The New Jersey comment on the Pesticide Program State Grant Template Measure recommended that we better define the term "pesticide applicator certification" to assure consistent reporting. This is particularly important since each applicator can have a number of certifications, and each state can parse the certifications in different ways.	ECOS	<p>We agree with this comment, and have in-fact already changed the FY 09 State Grant Template measure to "the number of certified applicators." With this wording, we are counting applicators (people) not certificates. So even if a single applicator had three certificates in one state, and seven in another state, each state would count just one person (one certified applicator). We have also included the following caveats to the measure, which address the other concerns raised by the commenter:</p> <p><i>~ There are varying state requirements for who has to get certified in each state, especially for commercial applicator certification, so the total number of applicators requiring certification in each state can vary greatly depending on state laws and regulations. The total number of certified applicators per state is not based on or directly related to federal certification requirements or funding.</i></p> <p><i>~ The total number of applicators certified by a state is not within their control and is not a function of their efficiency or productivity. States have different populations, levels of agricultural production, pest issues, costs to obtain certification, and regulatory requirements for certification. This may affect the number of people who pursue certification and the total number of applicators certified by a state.</i></p>	N	

## **Appendix E: Key Milestones for the Negotiation and Agreement of FY 2009 Performance Commitments**

March – June 27, 2008	Regions engage NPMs, states and tribes in determining FY 2009 draft regional performance commitments.
April 25, 2008	Text of FY 2009 commitments finalized by NPMs in the ACS; commitment measures opened for bidding.
July 7, 2008	FY 2009 draft regional performance commitments reflecting DRA approval due in the ACS.
July 7 – September 2008	Regions continue to engage NPMs, states and tribes in determining FY 2009 regional performance commitments.
July 14, 2008	FY 2009 draft annual regional commitments are posted on EPA Quickplace site.
September 5, 2008	State and tribal comment period ends on FY 2009 draft commitments ends.
September 19, 2008	FY 2009 regional final commitment information reflecting DRA approval due in the ACS.
September 22, 2008	NPMs begin accepting bids in the ACS.
September 26, 2008	NPMs and regions notify OCFO of any outstanding issues for dispute resolution.
October 6, 2008	NPMs and regions reach agreement in the ACS on FY 2009 performance commitments.
October 10, 2008	FY 2009 final commitments (for which agreement was reached) are posted on EPA Quickplace site.
October 29, 2008	FY 2009 Commitments are locked in the ACS.